



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 4292-99  
29 October 1999

AEC [REDACTED] USNFR  
[REDACTED]  
[REDACTED]

Dear Master Ch [REDACTED]

This is in reference to your facsimile transmission dated 1 July 1999 with enclosures, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 6683-98, was denied on 24 March 1999. You have again requested removal of your detachment for cause (DFC) dated 24 February 1998 and your fitness report for 6 March 1997 to 24 February 1998.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 28 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your facsimile transmission and enclosures, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 27 September and 8 October 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Contrary to the advisory opinions, the Board found that your contested DFC and fitness report should stand. They did not condone the failure to provide the mandatory mid-term performance counseling. However, they found the verbal and written counseling you did receive to have been sufficient, without a service record page 13 or letter of instruction, to satisfy the requirements of the Naval Military Personnel Manual, Article 3420260, for a DFC. Similarly, they were unable to make a finding of inadequate counseling on which to base a conclusion that your contested fitness report should be removed. In view of the above, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



4292-99

**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1610  
PERS-311  
27 SEP 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: [REDACTED]

Ref: (a) NPC-311 memo of 14 DEC 98  
(b) Member's BCNR File (Docket Number 06683-98)

Encl: (1) BCNR File

1. Enclosure (1) is returned. As you requested, we have again reviewed [REDACTED]'s petition and reconsidered our decision in references (a) and (b). We now recommend approval of AFCM [REDACTED]'s request to remove the fitness report for the period 6 March 1997 to 24 February 1998.

2. Based on the Force Inspector General's report dated 10 December 1998 and comments from the Commander, Naval Air Force, U. S. Pacific Fleet dated 3 February 1999, we believe the fitness report for the period 6 March 1997 to 24 February 1998 should be removed from AFCM [REDACTED]'s record.

3. We recommend relief based on the additional material now available.

[REDACTED]  
Head, Performance  
Evaluation Branch



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

4292-99

5420  
PERS-832C  
8 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: AFCN [REDACTED]

Ref: (a) My memo 5420 NPC-832C of 12 Feb 99

Encl: (1) BCNR File 04292-99  
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.
2. The review reflects that the opinion expressed in reference (a) remains germane. Therefore, favorable action on this petition is recommended.

[REDACTED]

Technical Advisor to the  
Head, Enlisted Performance  
Branch (PERS-832)